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The lead paragraph under "Orders of Protection" is inaccurate and misleading. It leaves the impression that it is unnecessary to retain an attorney "to obtain an order of protection." The statute only allows clerks to assist petitioners in filling out the application for orders of protection **but from that point on there is no exception to the litigants being required to follow the statutes, rules and procedures.** Consequently, pro se litigants are at a very likely disadvantage at hearing if they are not represented by counsel and they should be so informed.

The same applies to requests for family access orders. Pro se litigants should not be misled into believing they do not need an attorney at the hearing.

I appreciate the fact that many litigants cannot afford to hire an attorney, but all of this information to pro se litigants is not going to change our laws which are based, ideally, upon justice being achieved through the adversarial process in which attorneys, as advocates for their clients, follow the formal rules of evidence, procedure, and the substantive law of the case. **The only exception to this is in small claims court.** We are not doing pro se litigants any favors if we give them any impression to the contrary.

Randall R. Jackson, Circuit Judge, Fifth Judicial Circuit

I would like to add to my previous email that the more pro se litigation is officially encouraged, the more judges will be put in the position of being expected - at least in the eyes of the public - to violate the Code of Judicial Conduct and give legal advice and assistance to the parties. For example, a judge cannot start assisting pro se petitioners in determining what evidence is necessary and in presenting that evidence and, at the same time, maintain the appearance of neutrality and impartiality that is vital to the credibility of our system of justice. This is true even in cases that start out as "uncontested." I do not see where that point is made clear in any of the information so far. I would hope that the Commission will not give in to the current, popular belief that no one should have to hire an attorney and everyone should have direct access to the courts, with the clerks and judges serving as their legal advisors. The place for small claims court procedures is in small claims court.

Randall R. Jackson, Circuit Judge, Fifth Judicial Circuit